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ABSTRACT

Current sex equity programs and policies in several states provide instructive examples of the leadership that state education agencies (SEAs) can exercise on sex equity issues. Descriptions of state legislation and program activity related to sex equity in Massachusetts, Washington, Alaska, Minnesota, New York, Iowa, California, and Michigan illustrate the variety of approaches available. Many of these programs depend on federal funding, and many state statutes are based on Title IX of the Elementary and Secondary Education Act. Without federal money and the threat of federal enforcement, however, SEAs may not actively pursue sex equity goals. Progress depends on the efforts of equity specialists within SEAs and of advocacy groups exerting pressure from outside. Among the actions that SEA staff members can encourage are strengthening policy and procedural guarantees for educational equity; improving cooperation among specialists in all aspects of educational equity; incorporating equity considerations into the daily activities of staff members outside the formal equity structure; and increasing outreach efforts by equity specialists. (Author/PGD)

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ARE THE STATES ABLE AND WILLING TO PROMOTE SEX EQUITY?

Paper prepared for
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by
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ARE THE STATES ABLE AND WILLING TO PROMOTE SEX EQUITY?

I. Introduction

This paper addresses the capability and the commitment of state education agencies (SEAs) to act to insure progress toward the achievement of sex equitable education programs in the nation's public schools in the decade ahead. The discussion focuses first on what SEAs are <u>able</u> to do and secondly on some factors associated with their <u>willingness</u> to act.

For educators across the country the "new federalism" of the Reagan administration has meant fewer federal dollars and the promise of less federal regulation. But the constraints imposed by declining funds and the flexibility which is promised by the anticipated removal of various procedural requirements have not altered the obligations of local and state education agencies to insure the civil rights of all students. As a consequence, the role of state leadership in promoting the achievement of equitable programs for girls and boys has increased in both significance and prominence.

It is in this context that the role of the state education agency in the achievement of sex equity must be considered. Historically, state agencies have differed in their relationships with federal and local agencies. While some have a history of both regulation of and technical assistance to local education agencies, others have emphasized only one of these functions. Still others have emphasized a more purely administrative role. While some state education agencies have moved voluntarily to monitor local compliance with federal as well as state requirements, other state education agencies strongly reject any compliance monitoring functions. Any sex equity program is influenced by the state agency's general definitions of its role, responsibility, and authority.

II. Current sex equity programs and policies in various states provide instructive examples of the leadership role state education agencies are able to exercise on sex equity issues

The state statutes of Washington and Massachusetts represent two distinct approaches to the achievement of sex equity in education. Although the enactments parallel Title IX of the Education Amendments of 1972 and its implementing regulation in many respects, they both go beyond those Federal requirements to include explicit provisions in such areas as textbooks and curriculum, complaint procedures, state level enforcement, state sanctions and private rights of action. The statutes provide a strong basis for the achievement of sex equity in education in Massachusetts and Washington as does a newer statute in Alaska. However, the experience of these states reveals that even with a strong state mandate, continuous effort is required to promote full implementation of the mandate.

Massachusetts' Chapter 622 Combines Equity Considerations

Chapter 622 of 1971 (Chapter 622) is a general prohibition against discrimination on the basis of race, color, religion, national origin, or sex in public schools. It represents a unique approach to achieving sex equity because it incorporates all equity concerns in one set of regulations, while addressing with specificity, the forms of discrimination which have excluded women from educational opportunities. For example, provisions regarding school admissions require close scrutiny of access mechanisms or other administrative arrangements to determine whether individuals of ethnic, racial, or religious groups have been excluded from participation, and with respect to the exclusion of one sex, a determination of whether courses or programs, prerequisite to admission, have been previously limited to one sex. The regulation implementing Chapter 622 successfully employs this comprehensive approach in the areas of curriculum content, guidance and

counseling, and participation in extracurricula activities.

The Chapter 622 regulations, also contain explicit provisions setting up the administrative structure necessary to implement and enforce the Act. The Chapter 622 Regulations, in a section entitled "Active Efforts," require that the school committee of each district establish policies and procedures to impiement the Act, and to develop monitoring and evaluation practices to assess its implementation. The regulation requires the state to conduct an annual evaluation of all aspects of the K-12 program to insure that equal opportunity is provided, and specifically requires that special attention be given in the course of the evaluation, to those schools or programs in which students of either sex or of minority racial or national origin groups are markedly underrepresented. Additionally, the regulations require that the school committee and the superintendent provide necessary information and in-service training to both increase the awareness of school personnel to equity concerns and enhance their skills in achieving full educational opportunity.

Washington's Chapter 28A.85 Focuses on Sex Equity

Chapter 28A.85 of the Revised Code of Washington prohibits discrimination on the basis of sex for any student in public school programs. The statute, enacted at the same time that the Title IX regulations were issued, closely parallels the Title IX regulations, although it extends beyond those requirements in several important aspects. The statute explicitly covers textbooks and instructional materials, monitoring and complaint procedures, and employment and grants a private right of action to challenge discriminatory practices. The Washington provisions also include some substantive requirements not addressed by the regulation implementing Title IX. For example, the Washington regulation requires that classroom personnel, in addition to counselors, encourage students to explore and develop interests in career and vocational programs without regard

to explore and develop interests in career and vocational programs without regard to sex. Associated with this, the regulation requires that each school district include sex bias awareness and elimination training sessions in any inservice training programs conducted.

Like Massachusetts, Washington has made substantial efforts following enactment to develop the administrative mechanisms and programmatic support necessary to fully implement and enforce the law. For example, the Washington statute sets up a two-pronged enforcement program: 1) a complaint and appeals procedure, initiated by the individual student or parent; and 2) a monitoring and technical assistance program supported by the Office of the Superintendent of Public Instruction.

The complaint procedure, outlined in detail in the regulations, requires that the school district conduct an investigation of each written complaint and issue a response within 30 days of receipt by the school district. If the complainant remains aggrieved, an appeal may be taken to the school district board of directors, and following that ruling, to the Superintendent of Public Instruction. At both levels of appeals, an independent review, with an opportunity for parties to present testimony and witnesses, is conducted.

In addition to the complaint procedure, the Office of the Superintendent of Public Instruction (OSPI) has developed a comprehensive monitoring program, including a "paper" compliance review. OSPI supported the implementation of this "paper" review by organizing pre-filing workshops for all 300 school districts. It has also developed a Monitoring Guide to assist local district assess their level of implementation of the law.

Alaska's Mini Title IX

Effective August 30, 1981, an act of the Alaska State Legislature prohibits

sex discrimination in education in the state. The recently enacted Senate Bill 99 parallels Title IX in its general provision, and it specifically prohibits sex discrimination in employment, counseling, recreational and athletics opportunities, and course offerings. It goes beyond Title IX, however, in its requirement that local school boards review all textbooks and educational materials for sex bias and provide training for all certificated personnel on the recognition of biased materials.

The Alaska law also requires all districts not in compliance to implement affirmative action programs covering both equal employment and equal educational opportunity. State funds may be withheld on a finding of noncompliance. Individuals who believe they have suffered discrimination illegal under the act may file a complaint with the board and may also seek relief and civil damages through court action.

In several other states, sex equity legislation is under consideration either in the legislature, as in Nebraska where a strong sex equity policy was recently adopted by the State Board of Education, or by advocacy groups as in New York and Michigan. Wisconsin has had a strong educational equity law for several years but lacks the regulation that would foster effective implementation.

Other states have taken more narrowly focused approaches to sex equity issues.

Minnesota's Comprehensive Civil Rights Information System

Minnesota Statute §124.15 directs school districts to file assurances of compliance with state and federal laws prohibiting discrimination and to submit to the state information needed to indicate compliance. Pursuant to this statute,

the State Board of Education adopted a Board Rule (5MCAR §1.0660-1.0666) requiring each school district to provide to the Commissioner of Education supporting data for determining compliance with state and federal law.

To implement this Rule the Minnesota Department of Education has developed MINCRIS--The Minnesota Civil Rights Information System--a comprehensive automated system of civil rights data collection, storage, and retrieval. Data collected by MINCRIS are used by the Department primarily to ascertain school districts' compliance with state and federal laws prohibiting discrimination. They are also used for the implementation of pre-grant reviews, the investigation of complaints filed against specific districts, and the assessment of the nature of civil rights problems in Minnesota schools.

School districts complete and submit MINCRIS computer survey forms in October of each year. All questions asked are specifically keyed to one or more state or federal civil rights laws prohibiting discrimination based on race, creed, color, national origin, marital status, age, handicap, or sex. Among the categories of information collected from each school in a district are:

- general information about the school--population, nutrition programs, accommodations for the physically handicapped, pregnancy programs and services, special education population;
- staff information by gender, race, and assignment--full-time, part-time, and new hires;
- student information by gender, race, and grade--corporal punishments, suspensions, expulsions, drop-outs, graduates, and enrollments in physical education, math, science, industrial arts, home economics, and gifted programs;
- athletics program information--sport, season, number of weeks, student participation by gender, number of teams, expenditures; and
- information on vocational students and programs, special education, and home primary language.

In addition to providing an annual data base on the state's public schools,

the system generates information which facilitates reporting by the SEA to federal offices including the Office of Civil Rights and the Equal Employment Opportunity Commission of all required local data, and provides the LEA information with which it can evaluate its own performance and make necessary improvements.

MINCRIS is one component of a compliance management system established by the Minnesota Department of Education. Four representatives of each division in the Department have been trained as compliance officers. These compliance officers, working under the direction of a compliance specialist, assisted in the design of MINCRIS data collection forms as well as in the development of procedures for the on-site and desk reviews of local districts which are part of the compliance management system.

MINCRIS reflects the assumption that equity has measurable components and that accurate information is essential to maintaining the integrity of the equity determination process. It is designed to provide an effective, stable data system, which creates a basis for determining and assuring equity in state educational programs, processes, and procedures.

New York's Job Network Information Service

In New York, the State Department of Education actively seeks to assist local education agencies in their efforts to recruit and promote women in professional and managerial positions. The Department, working with the Commissioner of Education's Statewide Advisory Council on Equal Opportunity for Women and local education agencies, has developed a statewide candidate pool and administrative job information service--the Job Network Information Service (JNIS)--which has been operational since 1978. The candidate pool is open to women and men but special efforts are made to encourage women to participate in the system.

The Network is a part of the Department's Occupational Education Civil Rights Coordinating Unit, and performs a variety of functions through two components, the Administrative Job Opening Listings and the Candidate Pool.

Administrative Job Opening Listings are published to alert women and men to the types of locations of administrative openings. Listings of vacancies (including position title, salary, contact person, and closing date) are disseminated bimonthly to chief school officers, job information centers in the state library system, SUNY and CUNY college placement centers, selected women's organizations, and approximately 500 women registered in the Candidate Pool. Since its inception JNIS has advertised over 380 administrative positions.

The Candidate Pool is JNIS's skills bank. A listing of the candidate pool identifies women and men qualified for employment as administrators in education and outlines their relevant qualifications. It is distributed annually to village, city, and district superintendents (including community school district superintendents) to help them locate qualified candidates for vacant administrative positions. Updates with information on new JNIS candidates are disseminated periodically.

JNIS also provides a mechanism for monitoring administrative hiring. School superintendents across the state supply the JNIS information regarding appointments to positions previously listed with JNIS. Based on this information, members of the Statewide Advisory Council monitor the recruitment and hiring of women for such positions on a regional basis.

Iowa's Multicultural Nonsexist Statewide Curriculum Guidelines

Iowa has developed a multicultural nonsexist approach to equity in education. This approach, initially articulated in statewide curriculum guidelines, was enacted in 1978 in legislation which requires that all program areas be taught

from a multicultural nonsexist perspective. Rules implementing the law were adopted in July 1979.

Throughout the course of public hearings on the proposed rules, one major concern was repeatedly voiced: statewide curriculum regulation is an infringement on local control. To address this concern, the rules were carefully designed so that:

- program and curriculum change could be instituted gradually over a period of years;
- the cost to local districts would be minimal; and
- the programs could be integrated smoothly into existing district plans for curriculum and program reviews.

For example, the rules recognize that sex or cultural stereotyping may exist in instructional material presently used by a district. Rather than banning the use of such materials, the rules require that in such instances, the stereotyping be brought to the attention of the students and that supplementary materials be used to offset this stereotyping.

The rules specifically require each school district to develop a plan of action to achieve and maintain a multicultural nonsexist educational program over a five-year period. The plan must be written and must contain the following four components:

- goals and objectives for each curriculum and program area;
- a description of how the district will inservice employees over the five-year period;
- evidence of input in the development of the plan by men and women, persons of diverse racial and ethnic groups, and disabled persons; and
- a strategy for evaluating the implementation of the plan.

By the fall of 1981, 430 of the 443 school districts in Iowa had filed plans

for integrating multicultural nonsexist concepts into their educational programs. Additionally, 405 districts reported that inservice training sessions were planned to assist staff in using the new multicultural nonsexist material developed.

California's Observation/Commentary/Visitation (OCV)

One of the most successful efforts of the California State Department of Education's Title IX Assistance Office is the Observation/Commentary/Visitation (OCV) process. This process is designed to provide preventive inservice and intensive diagnostic assessment of local education agency (LEA) efforts toward the achievement of sex equity. It enables the LEA to increase awareness of sex equity issues and to insure its compliance with Title IX requirements.

OCV has been particulary successful because of its voluntary nature; the LEAs themselves request the on-site visitation. The visitation team includes skilled observers, drawn from the Department staff and a consultant pool, who are trained to review the policies, practices, and programs of LEAs. The visit is not an investigation but rather a means to obtain an accurate assessment of the status of equity efforts in order to facilitate the LEA's planning of further action.

At the outset of the visit, team members meet briefly with the district superintendent, the personnel director, selected board members, local advisory council members, and the Title IX coordinator, to discuss the parameters of the OCV. During the OCV, team members visit selected schools meeting with principals, teachers, counselors, and students. During 1-3 days of observation, team members:

- review the Title IX self-evaluation efforts made by the district;
- observe the attitudes related to the commitment to sex equity displayed by policymakers, central administrative staff members, school site administrative staff members, instructional personnel, support personnel, students, and community members;

- document efforts to comply with Title IX procedural requirements as well as with provisions of the legislation dealing with access to courses, treatment of students, employment practices;
- observe general environmental factors related to the elimination of sex discriminatory and biased behaviors; and
- delineate suggested action steps designed to further achieve the infusion of sex fairness and sex affirmative concepts into the ongoing programs, policies, and practices of the district requesting the OCV as well as commending districts on ongoing successful sex equity efforts.

Michigan's Three-Phase Planning Model

Building on the California OCV model, the Michigan State Department of Education has developed a three-phase on-site needs assessment and planning model to assist local education agencies (LEAs) in achieving sex equity. Michigan's "On-Site Needs Assessment and Long-Range Planning" model (OSP) is a consultive service provided upon request to school districts. Phase I uses a visitation process similar to the OCV to assess a district's sex equity needs. Phases II and III provide the district an opportunity to commit itself to the development and implementation of a sex equity plan to meet its identified needs, and to obtain continuing SEA assistance throughout the process.

Districts electing to participate in Phase II of the model use a management-by-objective (MBO) approach to plan long-range equity activities. Needs identified during Phase I are sorted into major categories and objectives and activities appropriate to each are developed. Sex Equity Planning Committees, comprised of a cross-section of district personnel and community members, are formed to identify objectives and activities for each need category consistent with local resources and circumstances. A district staff person is designated by the Superintendent to coordinator local activities and serve as liaison to the state. State staff provide resource assistance and, when all committees have completed their work, conslidate committee reports into the district's MBO Sex Equity Plan. The Plan is designed to help a district meet not merely the letter of the law but

to provide programs consistent with the full intent of equity legislation. Based on the plan, state staff also develop a monitoring checklist for use by the district.

During Phase III, which involves the implementation of the long-range plan by the local district, a consultant from the SEA is assigned to the district to provide or broker whatever assistance is necessary to carry out the objectives in the district's plan.

III. Considering the decade ahead; what SEAs will do for sex equity

These examples of state legislation and program ac ivity related to sex equity illustrate the variety of approaches SEAs can institute to promote sex equity in education. However, what a state can do in the abstract is, unfortunately often very different from what it will do in actuality. Perhaps the single greatest enabling factor related to state sex equity programs and progress in the past has been federal assistance and insistence. The programs in California and Michigan, for example, are almost entirely federally-funded and many state statutes are modeled on the federal Title IX.

Will states pursue their programs and enforce their legislation without federal dollars and the spectre of federal enforcement? And what about the "snails," the states PEER has singled out recently for notararity because they have accomplished so little? Will such states make any progress at all as federal financial assistance shrinks and the federal commitment to equity dwindles?

The answer lies in two places:

- inside state education agencies themselves where equity specialists can and must continue to push for the institutionalization of activities initially funded outside the state budget; and
- outside the SEAs with advocacy groups who must begin to exert, at the state level, the kinds of political pressure once focused primarily at the federal level.

Inside SEAs

The consolidation of federal programs offers a challenge to existing SEA practices and provides an opportunity for equity specialists to assume a critical and creative role within the agency. New iniatives will be required as states assume responsibility for the distribution of funds formerly targeted for specific programs. Equity specialists must involve themselves in suggesting both general approaches and specific language during the development of state guidelines and oversight procedures for education funds.

They must work to insure that the following four things take place in each agency during the coming year:

- strengthened policy and procedural guarantees of commitment to educational equity including the development of guidelines for distribution of future block grant funds sensitive to equity issues;
- heightened cooperation among equity specialists;
- increased infusion of responsibility for equity issues throughout each bureau or division; and
- increased outreach involving the educational skills and contributions of equity staff to others both inside and outside the agency.

Few of the suggestions outlined below are new; all have been tried with varying degrees of success for many years. What is new is the radically altered context within which state education agency staff members will be working. States have only a few months before the current legislation on block grants takes effect. Effort and planning, if not already underway, must begin immediately.

A. Strengthened policy and procedural guarantees for educational equity

Block grants will require SEAs to review their policies, procedures, and organization in order to effectively assume the heightened responsibilities

inherent in a diminished federal role in education. Research on policies in place in each state conducted by staff at the CCSSO Resource Center on Sex Equity indicates that while most states have a general statement covering some or all of the equity areas, only the few reported earlier have in place the kind of detailed, comprehensive policies that can guide administrators forming decisions on funding and staffing priorities.

An effective and comprehensive policy should address both the internal management of the agency as well as SEA activities with local school districts. The policies should be accompanied by timelines, staff responsibilities, and evaluation criteria. Clearly articulated policies provide visible support for equity specialists as well as specific direction for less committed and/or experienced SEA staff.

Once a policy covering the entire agency is in place, specific equity goals for each bureau or division of the agency should be developed and disseminated. The more specifically job-related the goals are, the greater the chance of successful accomplishment. Specialists in other areas can see themselves as part of the equity effort most clearly when they help to develop concrete suggestions related to their ongoing concerns.

Evaluation criteria must also be developed. Evaluation data can measure progress as well as identify new concerns. They can provide the kinds of specific information states will need to demonstrate the effectiveness of their programs. In the absence of federal regulations, SEAs must be able to document effective use of federal funds lest the absence of this documentation be used as a rational for further federal education budget cuts in the years ahead.

It is particularly critical that the budget process include provision for input from equity specialists. Commitments that are not reflected in budget

priorities may be little more than wishful thinking, but at the same time many equity concerns do not require large amounts of new funding. What is required is a genuine infusion of practices which support and sustain equitable approaches. For example, inservice training funds can be targeted for equity training as easily as for other areas of concern; science program funds can be used for a program to encourage female and minority students in science achievement; basic skills programs can target the problems some students, mostly girls, have with math as well as those other students, mostly boys, have with reading.

Policies, goals, timelines, and evaluation criteria are not new and are far from glamorous but they are more essential now than ever. If state education agencies plan carefully for the kinds of guidelines and procedures they will put in place once federal regulations are removed, and if equity specialists play a leading role in this process, sex equity gains can be maintained and enhanced.

B. Heightened cooperation among equity specialists

Current funding and regulatory patterns have fostered the growth of a cadre of equity specialists at the state level with individual job responsibilities in the single areas of race, sex, disability, and bilingual education. These specialists have generally targeted programs toward a specific group of disadvantaged students. Their programs are now placed in jeopardy by the block grant approach. It is critical that heightened cooperation among equity specialists develop quickly if good programs for children are to survive.

The process of coordination is always more complex in practice than in theory. As we have often learned to our sorrow, the compromises that accompany cooperation often leave various groups feeling that their issues have been submerged. However, it is for this very reason that each of us must take

responsibility for fostering dialogue and cooperative efforts among equity specialists within each state agency. Advocacy of basic principles must be accompanied by flexibility in approach. It is an old saw but a true one that the road to victory is through the divided ranks of the opposition. Equity specialists must not permit internal dissension to aid and abet those who feel that a decrease in equity efforts would be a more comfortable situation or whose desire to "simplify things" translates in practice into a callous disregard for the civil rights of children.

A thorough understanding of the programs, perspectives, and equity concerns of those working with racial and linguistic minorities and disadvantaged and disabled children is essential for sex equity specialists just as sex equity concerns must be communicated to and understood by other equity specialists. And all of us must be thoroughly conversant with the legislative proposals and budget issues affecting education. Information equals power in our society. Pooling all sources of information can enhance the collective strength.

With a single and smaller pool of funds available to perform the variety of tasks formally targeted specifically, the jockeying and juggling within education agencies will be exacerbated. The further consolidation and lower funding levels that can be anticipated in the next two to three years will worsen an already difficult situation. Unity among educators, and particularly among educators in equity areas, is crucial.

C. Increased infusion of responsibility for equity issues

Consolidation and lower funding levels will result in smaller staffs in many SEAs, but these smaller SEA staffs will be expected to do more. This expectation will come from both the local and the federal levels. As LEA personnel budgets shrink, they will look to state agencies for additional services. At the federal level, block grants will transfer increased authority and responsibility

to the states. Faced with increased demands and fewer staff to address them, SEAs will be hard pressed to maintain current commitments. The only way to insure that educational equity remains a priority in practice as well as on paper is to prepare staff outside the formal equity structure to incorporate equity considerations into their daily activities.

The infusion of equity concepts, commitments, and skills throughout state and local agencies has been the goal of equity specialists for at least a decade. Many successful efforts have been made. More are needed. Effort might focus around any or all of the following approaches:

- formal agency wide training on equity issues;
- smaller training and program development sessions for individual bureaus or divisions;
- inclusion of equity criteria in regulatory procedures such as school approval or accreditation and ongoing inservice training for staff in these areas;
- participation of equity staff in agency programs dealing with non-equity issues, providing an opportunity for the equity specialists to sensitize others as well as learn from them;
- participation of non-equity staff in local equity reviews and site visits, providing "on-the-job" training for a wide range of SEA staff;
- inclusion of equity issues prominently in all agency publications, particularly those directed toward staff.

All of these approaches can be undertaken separately for sex, race, national origin, and disability, or coordinated programs can be developed. While the latter may be the logical outcome of the cooperation and coordination discussed previously, if cooperative efforts can not be arranged easily, individual efforts that are at least cognizant of the other equity areas should be implemented immediately. With less than a year before the implementation of block grants, time pressures impose a logic of their own.

D. Increased outreach by equity staff

Equity specialists are experts in a variety of process and subject areas. The transferability of these skills must be demonstrated if equity advocates are to enhance their contribution to educational dialogue and development. There is no educational issue that is not also an issue of educational equity. The vocabulary and the associations of equity specialists must reflect this. The terms "quality education," "productivity," and "basic skills" are widely used. The equity implications inherent in such terms must not go unnoticed.

Outside SEAs

Persons outside state education agencies play a critical role in insuring that state officials do not overlook equity as they strive for excellence. SEA staff members need both support and prodding if sex equity is to be viewed as a significant SEA activity. They must hear from parents and community members concerned about equal educational opportunities, they must be reminded continually of the subtle but devastating effects of sexism. Pressure from advocacy groups is crucial, but so to are support and suggestions from sources perceived by state staff to be "interested citizens" rather than "pressure groups."

All of the programs and practices discussed in this paper are possible. But only the active involvement of people both inside and outside state education agencies will make them probable. Are the states able to promote sex equity? Yes, to varying degrees, depending on the social climate and economic resources of the individual state, but all 50 are able to some degree. Are they willing? Yes, some are and no, others are not--but all 50 can be more willing if equal measures of pressure and support are judiciously applied.

The apparent desire of many to "save the country" by recreating the past rather than accepting the present and building for the future is dismaying

and discouraging. But those of us committed to a better future must not permit ourselves to be incapacitated by gloom or anger. The gloom is warranted and the anger is necessary, but we must use them as motivating forces rather than as incapacitating ones. The diminishing federal role in education and the parallel heightening in importance of state education agencies make state education agency sex equity policy and programs an important focal point for feminist energy and effort in the decade ahead.